

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

ALPER HOLDINGS USA, Inc.,

Debtor.

Case No. 1: 08-cv-02489-CM

RAY AND CATHY FLAKE,

Appellants,

v.

ALPER HOLDINGS USA, Inc.,

Appellee.

**STATEMENT OF RELATEDNESS
PURSUANT TO LOCAL RULE 1.6**

Ray and Cathy Flake (the “Flakes”) through their counsel, hereby file this Statement of Relatedness Pursuant to Local Rule 1.6. The Flakes respectfully submit that their appeal of the Memorandum Decision and Order Granting Objection of Alper Holdings USA, Inc. to Proofs of Claim (Claim Nos. 20 and 21) Filed By Flake Plaintiffs [Bankr. Docket No. 123], entered by the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) in Case No. 07-12148 (the “Bankruptcy Case”) is related to the following appeals: (1) the Holt Plaintiffs’¹ appeal of the Memorandum Decision and Order Granting Objections of Alper Holdings USA, Inc. to Proofs of Claim Filed by (i) Armstrong Plaintiffs and (ii) Holt Plaintiffs [Bankr. Docket

¹ Harry Holt, Beatrice Holt, Sheila Holt-Orsted, Jasmine Orsted, Bonita Holt, O’Brian Holt, Brandon Holt, Patrick Holt, Bianca Bentley, Demetrius Holt, and David Brown (collectively the “Holt Plaintiffs”).

No. 157], entered by the Bankruptcy Court in the Bankruptcy Case, which appeal has been assigned to Judge Swain [District Case No. 08-cv-3344]; (2) Charlotte and Jon Armstrong's (the "Armstrong Plaintiffs") appeal of the Memorandum Decision and Order Granting Objections of Alper Holdings USA, Inc. to Proofs of Claim Filed by (i) Armstrong Plaintiffs and (ii) Holt Plaintiffs [Bankr. Docket No. 157], entered by the Bankruptcy Court in the Bankruptcy Case, which appeal has been assigned to Judge Daniels [District Case No. 08-cv-03625]; and (3) the Adkins Claimants,² appeal of the Memorandum Decision and Order on Objection of Alper Holdings USA, Inc. to Proofs of Claim (Claim Nos. 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28) [Bankr. Docket No. 199], entered by the Bankruptcy Court in the Bankruptcy Case, which appeal was noticed on April 10, 2008, but has not yet been docketed with this Court.

The Flakes' appeal as well as the Armstrong Plaintiffs, the Holt Plaintiffs and the Adkins Claimants' appeals all arise from the rulings of Judge Lifland in the same bankruptcy case and involve similar factual and legal issues. Specifically, all four appeals at issue arise out of the same general factual circumstances—groundwater contamination caused by the disposal of the toxic chemical trichloroethylene ("TCE") in Dickson County, Tennessee. Furthermore, all four appeals involve the legal question of whether Alper can be held liable, either directly or indirectly, for the harms caused by

² The Adkins Claimants include Donald Adkins, Kristi Adkins, Hunter Adkins, Chad Beard, Patricia Beard, Emily Beard, Eric Christian, Peyton Christian, Jennifer Casteel, Timothy DeLoach, Kimberly DeLoach, Paxton DeLoach, Anthony Fambrough, Keysha Fambrough, Autumn Fambrough, Shonda Heflin, John Christopher Stiver, Sydney Stiver, David Heimbach, Jodie Heimbach, Kassidy Heimbach, Dawson Heimbach, Mason Heimbach, Scott Herkimer, Darcie Herkimer, Samuel Herkimer, Steven Jones, Melissa Jones, Mya Jones, Barry Piland, Christie Piland, Luke Piland, Travis Wood, Amy Wood and Lauren Wood as well as Priscilla Fowler and Jason Stewart—who together filed proof of claim no. 17—and James Dakota Stewart, Charity Comeaux, and Joshua Campbell—who together filed proof of claim 27.

TCE contamination in Dickson County, Tennessee. Moreover, as is apparent from Judge Lifland's respective orders, the four appeals all involve common questions of both law and fact.

Therefore, in accordance with the Local Rules, the Flake Plaintiffs alert the Court that the above-captioned matter is related to the following appeals: *Holt v. Alper Holdings USA, Inc.* (District Case No. 08-cv-3344), *Armstrong v. Alper Holdings USA, Inc.* (District Case No. 08-cv-03625) and the noticed but not yet docketed *Adkins v. Alper Holdings USA, Inc.* appeal, presently pending before the respective judges referenced above.

Dated: April 17, 2008

Respectfully submitted,

/s/ Douglas T. Tabachnik
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Ray and Cathy Flakes' Statement of Relatedness Pursuant to Local Rule 1.6 was served this day, April 17, 2008, upon the persons identified below via email and/or first-class mail postage prepaid.

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Dated: April 17, 2008

/s/ Briana L. Cioni

Briana L. Cioni